

REMARKS

Claims 14-19 and 22-33 are pending in this application. By this Amendment, claims 14 and 17 are amended. Claims 17, 19, 21, 23, 25, 27, 29, and 31 are provisionally withdrawn from consideration as drawn to a non-elected species. Claims 20 and 21 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. No new matter is added by this amendment because the amendments are supported by the claims as originally filed. Reconsideration of the application based upon the above amendments and the following remarks is respectfully requested.

The Office Action, on paragraph 4, requests affirmation of the oral Election of Species made to Examiner Lu on November 1, 2006. During the oral election, Applicant's representative argued, and the Examiner agreed, that Species I includes at least Figs. 4, 5 and 7. Applicant respectfully submits that Fig. 9 should also be included in Species I because at least claims 14 and 18 clearly read on Fig. 9. In response to the Request, Applicant affirms the provisional election of Species I, Figs. 4, 5, 7, and 9, with traverse, and claims 14-16, 18, 20, 22, 24, 26, 28, 30, 32 and 33 are readable on the elected species.

The Office Action asserts that the election is based on an inventive concept for Species I claim including the step of covering at least part of the outer wall with a guide covering the outer wall so as not to come in contact with the outer wall; and the inventive concept of Species II claim is asserted to include a step of covering at least a part of the outer wall with a guide covering the outer wall so as to come in contact with the outer wall. The Office Action improperly characterizes the distinction between the features positively recited in claims 14 and 17. In actuality, claim 14 is directed to a drying step starting in a state covering at least part of the outer wall with a guide covering the outer wall so as to not to come into contact with the outer wall while claim 17 recites a drying step drying in a state of covering at least a part of the outer wall with a guide covering the outer wall so as to come in

contact with the outer wall. This misinterpretation of the subject matter of claim 14 also leads to the rejection of claim 16 under 35 U.S.C. §112, fourth paragraph, as discussed below. Applicants respectfully submit that the subject matter of claims 14 and 17, representative of Species I and Species II, are related enough that a search for the subject matter of one Species would incorporate a search for the subject matter of the other Species.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

For at least the failure of the Office Action to correctly identify features associated with the differing Species, and when carefully reviewed a conclusion that the Species are closely enough related such that examination of both Species could be undertaken without further serious burden, withdrawal of the Election of Species Requirement is respectfully requested. Claim 17 is amended in like manner to claim 14 in order to support rejoinder, consideration and allowance of claim 17, and the claims depending therefrom such that the features recited in claim 17 are maintained substantially coextensive with the features recited in claim 14.

The Office Action, in paragraph 7, rejects claim 16 under 35 U.S.C. §112, fourth paragraph, as failing to further limit the subject matter of a previous claim. Specifically, the Office Action asserts, on page 4, that the claim 16 limitation of "the outer wall and the guide come into contact with each other" fails to further limit the claim 1 feature of a "guide covering the outer wall so as not to come into contact with the outer wall". The assertion of

the Office Action is incorrect. As indicated above, claim 14 recites a drying step starting in a state of covering at least a part of the outer wall with a guide covering the outer wall so as not to come in contact with the outer wall. Claim 16 recites a case where the outer wall and the guide come into contact with each other during the drying step that starts with a distance between the outer wall and the guide covering the outer wall. As such, claim 16 properly further limits the drying step recited in claim 14 in that it is clear from the full recitation of claim 16 that the drying step to which claim 16 refers is that drying step recited in claim 14 in which the drying step starts with a distance between the outer wall and the guide covering the outer wall. Accordingly, reconsideration and withdrawal of the rejection of claim 16 is respectfully requested.

The Office Action, in paragraph 9, rejects claims 14, 20, 32 and 33 under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. JP-A-2001-019560 to Takamitsu et al. (hereinafter "Takamitsu '560"). The Office Action, in paragraph 10, rejects claims 14, 20, 32 and 33 under 35 U.S.C. §102(e) as being anticipated by Japanese Patent Publication JP-A-2002-020173 to Takamitsu et al. (hereinafter "Takamitsu '173"). The Office Action, in paragraph 11, rejects claims 14, 18, 20, 32 and 33 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,725,567 to Yano et al. (hereinafter "Yano"). The Office Action, in paragraph 12, rejects claims 14, 18 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,388,345 to Brundage et al. (hereinafter "Brundage"). The Office Action, in paragraph 13, rejects claims 14, 18, 20, 32 and 33 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,539,633 to Araya. The Office Action, in paragraph 15, rejects claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Takamitsu '560 or Takamitsu '173 or Yano or Brundage or Araya. The Office Action, in paragraph 16, rejects claims 22, 24, 26, 28 and 30 under 35 U.S.C. §103(a) as being unpatentable over Takamitsu '560 or Takamitsu '173 or Yano or Brundage or Araya in view of U.S. Patent No.

6,932,932 to Miura et al. (hereinafter "Miura") or Japanese Patent Publication JP-A-2001-130973 to Kazuya. These rejections are respectfully traversed.

Independent claim 14 recites, among other features, starting drying a step in a state where a guide covers the outer wall so as not to come into contact with the outer wall, wherein the extent that the guide covers the outer wall is in the range of 20 to 100% relative to the surface area of the entire outer wall.

The Office Action asserts, in paragraphs 9, 10, 11, 12 and 13 that Takamitsu '560, Takamitsu '173, Yano, Brundage or Araya teach this feature. Takamitsu '560, merely discloses two plates 11a and 11b and supporting member 12 to support the plates, within which a ceramic article is placed in the formed space (Abstract). Likewise, Takamitsu '560, discloses an apparently identical structure (*see, Fig. 4*). Yano merely teaches covering a surrounding area of a honeycomb body with a sheet (Abstract). Similarly, Brundage teaches surrounding a structure 30 with a tube 20. Finally, Araya only teaches a vapor-insulating guard 12 comprising a thin plastic film (*see, col. 2, lines 15-20*).

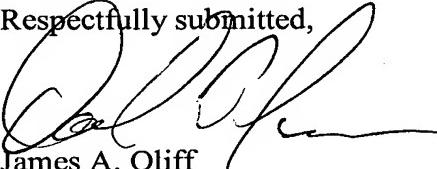
None of Takamitsu '560, Takamitsu '173, Yano, Brundage nor Araya, individually or in combination, explicitly teach the feature of a guide covering an outer wall in the range of 20 to 100% as positively recited in claim 14. Takamitsu '560 and Takamitsu '173, for example, teach plates and supporting members, but do not provide any indication or suggestion that, together, these members can start a drying step in a state of at least partial coverage, let alone coverage by a guide. Likewise, the sheet in Yano necessarily comes into contact with the body, and therefore, could not have suggested a guide partially covering a body so as not to come into contact with the body. Furthermore, neither Brundage nor Arayo provide any indication or suggestion that the disclosed tube and guard, respectively, are in a state of at least partial coverage during the drying step starting state. In fact, the Brundage disclosure limits the tube to its shielding function.

Based on the foregoing, Takamitsu '560, Takamitsu '173, Yano, Brundage or Araya, individually or in combination, cannot reasonably be considered to teach, or to have suggested, the combination of all of the features recited in independent claim 14. Based on the above argument, and further because neither of Miura or Kazuya is applied in a manner that would overcome the above-identified shortfalls in the application of any of the otherwise enumerated references to the subject matter of depending claims 15, 16, 18, 20, 22, 24, 26, 28, 30, 32 and 33 are also neither taught, nor would they have been suggested, by the applied prior art references for at least the respective dependence of these claims on claim 14, as well as for the separately patentable subject matter which each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 14-16, 18, 22, 24, 26, 28, 30, 32 and 33 under 35 U.S.C. §§102(b), 102(e) or 103(a), as being anticipated by, or unpatentable over, any combination of the applied prior art references, are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 14-19 and 22-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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